

**REMARKS**

Claims 16-25 are pending in this application. By this Amendment, independent claim 16 is amended to even further distinguish over the applied references. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Rudolph in the April 29, 2009 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

**I. The Claims Are Patentable Over The Applied References**

The Office Action: (1) rejects claims 16, 18-21, 23 and 25 under 35 U.S.C. §103(a) over U.S. Patent No. 5,933,581 to Miyazaki et al. (Miyazaki) in view of U.S. Patent No. 6,594,767 to Wiley et al. (Wiley), U.S. Patent No. 6,100,995 to Itoh, and U.S. Patent No. 5,881,335 to Yang; and (2) rejects claims 17, 22 and 24 under 35 U.S.C. §103(a) over Miyazaki in view of Wiley, Itoh, Yang, and further in view of U.S. Patent No. 6,742,130 to Kawase. Applicants respectfully traverse the rejections.

Regarding independent claim 16, the proposed combination fails to result in (1) "a controller that controls the image forming portion to output the received data after a period of transition from the power save mode to the normal mode, the controller including a processor, the processor being in an off-state in the power save mode and being in an on-state in the normal mode to control the image forming portion" and "wherein, in the power save mode, the processor is in the off state and the communication interface is active"; and (2) "a communication interface that receives the data from the external device and that controls a speed for receiving the data during the period of transition" and "the communication interface receives the data and controls the speed for receiving the data during the period of transition" (emphasis added).

The Office Action acknowledges that Miyazaki fails to disclose a processor in an off-state in a power save mode, but cites to Wiley as curing this deficiency.

Wiley discloses a system for preventing a power save mode in response to patterns of use. A controller 12 prevents a computer peripheral device from being in the power save mode (col. 2, lines 57-60). The Office Action alleges (a) that controller 12 includes a processor, citing to col. 2 at lines 64-67, and (b) that the controller 12 is in an off-state in the power save mode, citing to col. 2, lines 9-16.

The Office Action acknowledges that Miyazaki and Wiley fail to disclose a communication interface that controls a speed of receiving data during a transition, but cites to Itoh as curing this deficiency.

Itoh discloses a multi-function device (MFD) 2 having RAM 33 (Fig. 1; col. 3, lines 25-29). MFD 2 has an interface (I/F) 36 (Fig. 1) that, in turn, has a buffer 36a (col. 5, lines 15-19). A capacity remainder determination means 31a determines the remaining capacity of RAM 33 (col. 5, lines 3-5) and a reception speed control means 31b controls the speed of data reception to be slower when the capacity of RAM 33 is below a predetermined level "while MFD 2 provides both of the facsimile and printer functions" (col. 5, lines 5-10). Itoh states this requirement again at col. 6, lines 9-15: "the reception speed control means 31b of the CPU 31 functions to slow down the speed at which the RAM 33 receives the printing data from the personal computer 1 if the capacity remainder of the RAM 33 reduces below a predetermined level (e.g. 10 K byte) while the MFD 2 operates in the facsimile transmission or reception mode." That is, Itoh merely discloses reducing the rate of reception of data during normal operation if the available storage capacity of RAM 33 falls below a threshold. Itoh does not control the speed for receiving data during a period of transition from an off-state to a power-save mode. The capacity of RAM has nothing to do with a power capacity.

The Office Action acknowledges that Miyazaki, Wiley and Itoh fail to disclose reception of data during a transition from a power saving mode to a normal mode, but cites to Yang as allegedly curing this deficiency.

Yang discloses a power saving method. The Office Action cites to Yang controller 120 as allegedly corresponding to the claimed controller and alleges that the controller 120 receives data during a transition from a power save mode to a processing routine, citing Fig. 4 and col. 6 at lines 10-31. However, Yang discloses that in operation, once the laser printer is turned on, it warms up to the print-waiting temperature and is maintained in the print-waiting state (Fig. 4, step 301; col. 5, lines 29-33). The controller 120 periodically checks whether print data or command data has been received (Fig. 4, step 303; col. 5, lines 35-38). If print or command data has been received, the controller 120 checks whether the printer is in power saving mode (Fig. 4, step 307; col. 5, lines 38-42). If the printer is in the power saving mode, the controller 120 controls the printer to enter the processing routine (Fig. 4, step 327; col. 5, lines 42-44). That is, Yang discloses that data can be received while the printer is in the power saving mode and if so, the printer transitions to normal mode operation after the data has been received. However, Yang does not disclose receiving any data during the transition from the power saving mode to normal mode operation. Furthermore, Yang does not teach any control over the speed of data reception during the transition.

Even if the proposed combination is made, the proposed combination fails to result in feature (1) quoted above. The Office Action relies on Wiley as disclosing a controller 12 that includes a processor. However, Wiley does not disclose that any processor associated with controller 12 is in an off-state in the power save mode. Wiley discloses, for example, that "controller 12 is any means for preventing the computer peripheral device from being in a power save mode when the time from the timing mechanism meets the pre-set condition." Thus, any processor of controller 12 likely would need to be active during a power save mode

for controller 12 to be able to disable the power save mode when needed (col. 2, lines 60-64). Further, even if Wiley discloses a controller 12 that has a processor in an off-state during a power save mode, claim 16 requires more than this. Claim 16 recites that the controller having the processor is a controller "that controls the image forming portion to output the received data." Wiley's controller 12 does not control an image forming portion to output any data, but is merely a device to prevent unwanted power save modes. Thus, the proposed combination fails to result in feature (1) quoted above.

The proposed combination further fails to result in feature (2) quoted above. First, Yang fails to disclose receiving data during a transition from a power save mode to a normal mode. As stated above, Yang can receive data during a power save mode or during normal mode operation, but does not disclose receiving data during a transition between these modes. Thus, even if the proposed combination is made, the proposed combination would not be capable of receiving data during a transition from a power save mode to a normal mode.

Second, Itoh discloses that the speed for receiving data is slowed down while the MFD 2 operates in the facsimile transition or reception mode. That is, Itoh only discloses slowing the data down during normal operation. Thus, even if the proposed combination is made, the proposed combination would only slow data rates while the device was operating in normal mode.

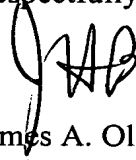
For the foregoing reasons, Applicants request withdrawal of the rejections.

## **II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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